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NOTES FOR A SPEECH BY
THE HONORABLE ANNE MCLELLAN
MINISTER OF JUSTICE AND
ATTORNEY GENERAL OF CANADA

TO

10TH CONGRESS ON PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

ON

WOMEN IN THE CRIMINAL JUSTICE SYSTEM

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As-delivered

As we begin the 21st century, it is disheartening to realize that the battle for women's equality has yet to be won. In all regions of the world, women are still forced into prostitution, coerced into situations of exploitation, considered as commodities and sexually abused. It was suggested, as recently as yesterday, at the Congress, that two million women are trafficked world-wide each year for the sex trade, and that this trafficking has replaced narcotics as the favoured activity of illegal trade.

As long as women live with the fear of violence, their options will be restricted and their movements curtailed. Any analysis of violence against women must include recognition of the complex ways in which inequality and power imbalances affect the lives of women.

Violence against women is a reality regardless of age, race, religion, culture, economic status and sexual orientation. It is at once a reflection of structural and systemic inequality in society and a contributing factor to that inequality. The harm caused by violence undermines women's ability to lead autonomous lives, free of fear and coercion, and imposes great costs on society. It has significant repercussions not only on the health and well-being of women, but also on their community as a whole, since it leaves them unable to achieve their potential through full participation in society.

Because of their multifaceted nature, gender-based crimes must be addressed through human rights strategies, criminal justice processes and other perspectives. Crime prevention and criminal justice systems, at both the national and the international levels, have a central role to play in this respect. At both the national and international levels, these systems need to be reassessed, in cooperation with organizations seeking women's equality, to better address the needs, rights and interests of women.

It is only quite recently that the international community decided to address the elimination of violence against women in the context of the criminal justice system. In 1995, the United Nations Commission on Crime Prevention and Criminal Justice included the elimination of violence against

women as a priority item, and invited the 9th United Nations Congress to consider this matter. At that Congress, Canada was one of two principal sponsors that introduced a resolution urging Member States to develop and promote crime prevention strategies that reflect the realities of women's lives and address their distinct needs. This prompted the adoption of the Model Strategies and Practical Measures by the United Nations Commission on Crime Prevention and Criminal Justice in 1997. Canada was proud to play a leadership role in the formulation and adoption of this essential instrument that is before you today. We are also pleased to announce the release of the Resource Manual on the Model Strategies, produced by the Vancouver-based International Centre for Criminal Law Reform and Criminal Justice Policy, in cooperation with other United Nations institutes and the United Nations Secretariat.

The Model Strategies are to be used as guidelines by governments, and other entities, in their efforts to address the various manifestations of violence against women. They refer to all aspects of the criminal justice system, including sentencing and corrections, support and assistance for those victimized and crime prevention. They provide a new impetus for concrete reform and international cooperation.

An example of the implementation of the Model Strategies, on a national level, is Canada's Policy Framework for Addressing Personal Security Issues concerning Women and Girls. On another, but related level, in 1998, Canada launched the second phase of its national strategy on community safety and crime prevention. This strategy is aimed at developing community-based responses to crime and victimization. It addresses the personal security concerns of women and girls. These concerns are central to their physical, emotional and economic sense of well-being.

The components of our policy framework include:

- public awareness and education;
- research on projects and evaluation mechanisms that advance gender-specific approaches to prevention and intervention;
- the development of crime prevention models for both girls and women;
- improving the development of research and knowledge; and
- the development of tools and resources to safeguard women's and girls' personal security.

Another example of Canada's implementation of a United Nations criminal justice standard is our Policy Centre for Victims' Issues. This Centre is an office within the Department of Justice, the mandate of which is to develop and co-ordinate federal initiatives to strengthen the voice of victims in the criminal justice system. The Centre's mandate reflects recommendations that were made in the Guide to Policy Makers on the Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime. This guide has been made available at this Congress.

Canada's recognition of the needs of victims is also reflected in the Handbook for Police and Crown Prosecutors on Criminal Harassment, which was released by the Department of Justice this past December. The handbook promotes an integrated criminal justice response to cases of criminal harassment, and identifies the safety of the victim as a priority. Information in relation to the handbook is available at the Canadian kiosk.

Canada is convinced that national measures must attack the deeply rooted societal attitudes and behaviours which make girls and women "acceptable" targets for crime. International efforts must achieve the same goal. While the Model Strategies are an important and valuable international tool, further national and international measures are required. We need to ensure that criminal justice institutions adopt strong measures to protect women against gender-based exploitation and violence, including that associated with organized criminal activities. We also have to ensure that our criminal justice systems do not result in further victimization of women. We must also remember that the majority of women in prisons have themselves been victims of violence.

Canada's correctional policies take this reality into account.

The growing threat posed by transnational organized crime makes it necessary to consider specifically the protection of women against organized crime. Transnational organized crime, by its nature, calls for innovative responses from criminal justice systems. Among other things, it requires greater international cooperation than is usually necessary to control and prevent other forms of crime. It also requires measures that recognize the special needs of women victims, who are made more vulnerable to violence because of multiple factors, such as race or ethnic background or their status as illegal migrants or refugees.

According to the Special Rapporteur on Violence against Women, little has been accomplished to date to combat effectively the flourishing trade in women, despite the fact that trafficking has been of international concern since the beginning of this century.

The Beijing Platform for Action, developed at the Fourth World Conference on Women in 1995, formulated a strategic objective aimed at eliminating trafficking in women and, helping those who are its victims by addressing the root causes of trafficking and by allocating resources for programmes to help victims. The Platform for Action also advocates increased cooperation and action by law enforcement authorities in order to dismantle trafficking networks. We look forward to the special session of the general assembly on Beijing Plus Five, in June 2000, to review progress made on the Platform for Action.

More specifically in the field of criminal justice, the International Convention against Transnational Organized Crime, which we hope will be submitted for adoption to the millennium United Nations general assembly this year, will enable member states to fight more effectively the various aspects of international organized crime. As we all know, a draft protocol, which will supplement the Convention, is being developed to prevent, suppress and punish the trafficking in women and children. The proposed new protocol is significant because it will provide, for the first time, a universal instrument that addresses all aspects of trafficking in persons. The protocol includes a broad and comprehensive definition of slavery — which involves trafficking for the purpose of sexual exploitation and forced prostitution — as well as all forms of servitude generally.

In all countries, the message must be clear: no matter what the context — trafficking, slavery, sexual abuse or forced prostitution — violence against women is not acceptable. Both at home and within the international community, we must continue working to ensure that women's rights are recognized as human rights. In concept and practice, these rights must acknowledge the realities of women's continuing efforts to achieve equality. We must step out of the vicious circle of violence to build just and equitable societies based on respect for individuals. By working together to achieve this goal, we will ensure that the downward spiral of violence is stopped and reversed.

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